

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

NICOLE WISE, individually and on behalf of)
the estate of Alexander Wise, beneficiary of)
Fred Wise III and the Estate of Fred Wise III,)

Plaintiff,

v.

BEXAR COUNTY, SHERIFF JAVIER)
SALAZAR, and JOHN DOES #1-#5,)

Defendants.

5:21-cv-00541

NOTICE OF REMOVAL

Now come Defendants Bexar County and Bexar County Sheriff Javier Salazar, and file this Notice of Removal.

INTRODUCTION

1. On May 4, 2021, Plaintiff Nicole Wise filed an Original Petition in the 285th Judicial District Court of Bexar County (the “State Court Action”). Plaintiff’s Original Petition sets forth federal claims, asserted via 42 U.S.C. § 1983, alleging violations of her due process rights under the Fourteenth Amendment, and violations of her deceased brother and father’s Fourteenth Amendment rights.¹

2. The citation for was issued on May 14, 2021, and served on Bexar County and Sheriff Javier Salazar on May 17, 2021.²

¹ A true and correct copy of Plaintiff’s Original Petition is attached as Exhibit A.

² A true and correct copy of the Citation and Return of Service is attached as Exhibit B.

3. Defendants are filing file their Notice of Removal within the 30-day period required by 28 U.S.C. § 1446(b).

BASES FOR REMOVAL

4. Removal to this Court is proper because Plaintiff's claims present federal questions within the subject matter jurisdiction of this Court pursuant to 28 U.S.C. §§ 1331 and 1441(a).

5. Pursuant to 28 U.S.C. §§ 1441 and 1446, Respondents remove this action to the United States District Court for the Western District of Texas, San Antonio Division, which is the judicial district and division in which the state court action is pending.

6. All pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a).

7. In accordance with 28 U.S.C. § 1446(b)(2)(A), all Defendants who have been joined and served consent to the removal of this action to this Court.

INDEX OF EXHIBITS

9. All pleadings, process, orders, and other filings served upon Bexar County and Sheriff Salazar in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a).

Those filings consist of the following:

- a) Exhibit A: Plaintiff's Original Petition;
- b) Exhibit B: Citations and Returns of Service for Bexar County and Sheriff Salazar;
- c) Exhibit C: State District Court Case Events Sheet.

JURY DEMAND

10. Defendants demand a jury trial.

CONCLUSION AND PRAYER

For the foregoing reasons, Defendants respectfully requests that the Court uphold this removal and to retain jurisdiction over this suit.

Respectfully Submitted,

JOE GONZALES
Bexar County Criminal District Attorney

By: /s/ Robert Green
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CERTIFICATE OF SERVICE

I do hereby certify on the 7th day of June, 2021, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which provided electronic service upon all parties.

/s/ Robert Green
ROBERT D. GREEN